

REMARKS

I. STATUS OF SPECIFICATIONS

The disclosure has been amended to include a "Summary" Section and "Detailed Description of the Invention" as required under MPEP § 608.01(d) and (g). The claims section has been amended such that the claims are now the object of a sentence starting with "I claim" or "We claim" as required under MPEP § 608.01(m). Accordingly, Applicant respectfully requests entry of the amendments to the specifications.

II. PRIORITY

In compliance with 35 U.S.C. 119(b), a certified copy of application no. PCT/SG00/00068, filed on 05/10/2000, is enclosed. Accordingly, Applicant respectfully requests acceptance of the claim for foreign priority.

III. STATUS OF THE CLAIMS

Claims 1-8 were pending in the Application. By this amendment, Claims 1 and 3 are being amended, Claims 7-8 are being canceled, and Claims 9-13 are being added. No new matter is involved.

Claims 7-8 were rejected in the Office Action under 35 U.S.C. § 112, second paragraph (hereinafter, "Section 112, Par. 2") as being indefinite as omnibus type claims.

Claims 1, 3-4, 6-8 were rejected under 35 U.S.C. § 102(e) (hereinafter, "Section 102(e)") as being anticipated by Aravamudan et al. (U.S. Pat. No. 6,301,609, hereinafter, "Aravamudan").

Claims 2 and 5 were rejected under 35 U.S.C. § 103(a) (hereinafter, "Section 103(a)") as being unpatentable over Aravamudan in view of McDowell et al. (U.S. Pub. No. 2001/0034224, hereinafter, "McDowell").

Applicant respectfully traverses all rejections and requests reconsideration.

A. REJECTION UNDER SECTION 112, PAR. 2

Claims 7 and 8 were rejected under Section 112, Par. 2 as being indefinite as Omnibus type claims. Applicant respectfully requests that Claims 7 and 8 be canceled from this application, without prejudice or disclaimer of the subject matter therein.

B. REJECTION UNDER SECTION 102(e), ARAVAMUDAN

Claims 1, 3-4, 6-8 were rejected under Section 102(e) as being anticipated by Aravamudan.

Aravamudan does not teach, either expressly or inherently, each and every element of amended claims 1 and 6. In amended claim 1, "said account is identified by a unique identification number **common to all of the client types** of that client..." (emphasis added). Aravamudan fails to teach anywhere such "unique identification number common to all of the client types". At most, as indicated by Examiner in col. 6, lines 51-53 of Aravamudan, "the provisioning server...provisions the client CPE software with a unique identification (ID)". However, there is no teaching that a unique identification number identifies the account and is

“common to all of the client types of the client” and neither is the “unique identifier of each client type of said client **matched to** said unique identification number of the particular client”. In fact in col. 7, lines 2-20, there is only a disclosure of provisioned CPE device being used such as “the particular CPE device being used, or “the accessing CPE device” or the “CPE device that a user is utilizing” and nowhere is there any mention that the unique identification number would be “common to all client types”. In addition, col. 7, lines 2-20, Aravamudan does not disclose any unique identifier “matched to” the unique identification number of the client, but rather only teaches providing the current user’s address to the IM server. Conveying a “current user address” to the IM server in Aravamudan does not disclose a matching of a client type “unique identifier” to the “unique identification number” of the client’s account as recited in claim 1. As such, Aravamudan does not teach all the limitations found in claim 1.

Neither are all the limitations found in claim 6 taught by Aravamudan. In particular, Aravamudan fails to teach the method limitations of “identifying the account by a unique identification number that is **common to all of the client types** of that client; and **matching each** unique identifier of each client type of that client to said unique identification number thereof.” Aravamudan is concerned with the ensuring that priority messages are received by the intended recipient regardless of the client device the recipient may be operating at that point in time. However, nowhere is there any mention of “matching” a unique identifier of each client type to the unique identification number of the account. As such, Aravamudan does not anticipate the limitations of claim 6.

Claims 3-4 depend upon and incorporate all limitations of Claim 1. Claims 7 and 8 have been canceled. For the above reasons, Applicant respectfully requests withdrawal of the rejection of Claims 1, 3-4 and 6-8 under Section 102(b) based on Aravamudan.

C. REJECTION UNDER SECTION 103(a), ARAVAMUDAN AND MCDOWELL

Claims 2 and 5 were rejected under Section 103(a) as being unpatentable over Aravamudan in view of McDowell. In rejecting claims 2 and 5 as being unpatentable over Aravamudan in view of McDowell, the Examiner stated that

“As per claim 2, although Aravamudan et al. shows substantial features of the claimed invention, including wireless devices that receive and send data packets in a wireless network, he does not explicitly show a GSM network. Nonetheless, this feature is well known in the art and would have been obvious modification of the system disclosed by Aravamudan et al. as evidenced by McDowell et al.” (Office Action, pg. 7).

With regard to claim 5, the Examiner stated on page 8 of the Office Action that McDowell et al., as modified, teach the instant messaging system as explained in claim 1, and further the remaining limitations of claim 5.

Applicant respectfully traverses Examiner's rejection as explained below.

As explained in M.P.E.P. Section 706.02(j):

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The three above-mentioned criteria must exist at the time the claimed invention was made, according to the text of Section 103(a) itself. The Examiner has not established a

prima facie case of obviousness using Aravamudan and McDowell for at least the reasons stated below.

Aravamudan and McDowell

Aravamudan discusses a system of user-selected priority assignment within an instant messaging system allowing for access to data on client devices. (Aravamudan, col. 2, lines 32-37). McDowell discusses a system and method for sharing user event information among mobile devices and those connected to fixed IP networks such as the Internet. (McDowell, Abstract).

Claims 2 and 5 dependent on claim 1

Claims 2 and 5 are dependent upon claim 1. Therefore, if all three criteria to establish a prima facie case of obviousness are not present for claim 1, dependent claims 2 and 5 would be allowable. Applicant requires in Claims 2 and 5, by virtue of claim 1 the limitation of “said account is identified by a unique identification number **common to all of the client types** of that client” (emphasis added). In addition, claims 2 and 5 further require at least the “unique identifier of each client type of said client is **matched** to said unique identification number of the particular client”.

With respect to Aravamudan and McDowell, none of the references teach or suggest all the claims limitations of Applicant’s claim 1. Aravamudan fails to teach the limitations as discussed above with respect to the “unique identification number common to all of the client types” and neither does McDowell provide for the deficiencies. McDowell does not provide for matching the unique identifier of the client type to the unique identification as described in claim 1, but rather, McDowell discloses only an online presence detection system for already

registered users with the system. (McDowell, [0030-0031]). Regardless of a teaching of GSM networks in the art or of SMS capability, the fact remains that the references when combined, fail to teach or suggest all the claim limitations of claim 1.

Therefore, Aravamudan in light of McDowell fail to teach or suggest ALL claim limitations as required to establish a prima facie case of obviousness. Applicant respectfully requests withdrawal of the rejection of Claims 2 and 5 under Section 103(a).

Claims 2 and 5

Dependent claims 2 and 5 include all limitations of their respective base claim 1. The deficiencies of Aravamudan and McDowell have been discussed above in connection with claim 1. Accordingly, Applicant respectfully submits that these dependent claims are all allowable for at least the same reasons as claim 1, as discussed above. Furthermore, Applicant respectfully submits that these dependent claims are further allowable for the limitations that they themselves recite.

Accordingly, Applicant respectfully requests withdrawal of the rejection of Claims 2-5 under Section 103(a).

D. NEW CLAIMS 9-13

New claims 9-13 have been added to claim the invention more extensively without adding new matter. (See, for example, paragraphs [0082], [0083] and [0089] of the Application). Applicant respectfully submits that the new claims are allowable over the cited art at least for reasons similar to those by which claims 1 and 6 are allowable over the cited art. For example, Aravamudan and McDowell are dedicated to their achieving their own

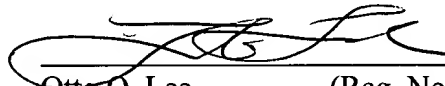
respective goals, as discussed above, and simply do not teach or even suggest the elements of the new claims 9-13. Accordingly, Applicant respectfully submits that new claims 9-13 are allowable.

IV. CONCLUSION

The above-discussed amendments and remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

Date: 01/3/2005



Otto O. Lee (Reg. No.: 37,871)

Juneko Jackson (Reg. No.: 48,870)

Marie G. Capuyan (Reg. No.: 52,695)

Intellectual Property Law Group LLP

Attorneys for Applicant

Contact No.: 408-286-8933

Atty Docket No.: YSAP.CHIKKA.PT3